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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY, DOCKET NO.
08/903,395	07/22/97	KOSLOW	851-001-9-1

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EXAMINER

LAM, C

ART UNIT

1774

PAPER NUMBER

DATE MAILED:

02/01/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/903395

Applicant(s)

Koslow et al

Examiner

C. Lam

Group Art Unit

1775

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on Nov. 19th 1998
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 16-43 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 16-25 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 26-43 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

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DETAILED ACTION

1. In view of the communication filed on Nov. 19th 1998, the applicants disagree with the rejections made over claims 16-25 and set forth the following arguments:

A. Smith's laminate includes an iodine based bacterial agent that is employed in and not provided on the absorbent layer as described in col 6 L 33-36.

Smith fails to disclose a particulate iodinated resin deposited on the first substrate surface and a particulate thermoplastic binder which is fused to the iodinated resin and the first substrate surface.

B. Applicants' invention immobilizes particulate carbon or liquid absorbent by fusing such particulate with a thermoplastic binder. Korpman has no teaching of the absorbent particles, nor the method for immobilization in Korpman is very different from the present method.

C. Applicant argues that Karami does not teach a thermoplastic binder which is used to fuse the sodium bicarbonate and the surface of the substrate. The polyacrylonitrile (or PAN) in Karami is not being used as a thermoplastic binder but rather a superabsorbent.

D. Nishizawa does not teach the deposit of a particulate manganese oxide, and because it is molded, it cannot be particles of thermoplastic binder fused to both particulate manganese oxide and the first surface.

2. In respond to the above arguments:

A. In col 6 L 33-36, Smith discloses an absorbent material employed in the absorbent layer

(2). The examiner takes the position that the absorbent layer which employs the particular

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absorbent material as in col 6 L 33-36. The examiner also takes the position that the absorbent layer is analogous to the first substrate web before an iodinated resin is applied into or over the layer.

In view of applicant's argument, Smith is silent about the physical characteristics of the iodinated resin and the thermoplastic binder (ie. The contoured film). Since the absorbent material is a fibrous or a foam layer. The examiner takes the position that any particulate or fluid material coated or dispersed over the surface of the layer would be absorbed into the body of the absorbent material.

The contoured film (3) is laminated onto the absorbent layer by pressure (col 5 L 24-35).

The examiner takes the position that Smith's finished product is functionally indifferent from applicant's product.

B. Korpman incorporates fillers into the microfiber composite, which is a molten pressure sensitive adhesive (col 8 L 11-15). In col 4 L 32-38, the examiner tried to show that the microfibers of the pressure sensitive adhesive were in molten state when sprayed onto the (first) substrate.

The filler which can be a carbon black is incorporated into the molten microfibers. The examiner takes the position that the microfibers pressure sensitive adhesive is the thermoplastic binder and that molten spray coating technology is equivalent of fusing the adhesive onto the substrate.

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Applicant is reminded that it is the product which must be new and unobvious. Unless it can be shown that the product produced by the process, in this case fusing, is in some manner produced a product that is measurably distinct from molten spray coating or by another process, therefore there will be no weight given to the product by process verses product claims.

In col 10 L 3-7, Korpman clearly teaches that an absorbent powder is immobilized onto a facing material (10) before the facing material is coated with the pressure sensitive adhesive.

Even if the absorbent powder is applied after the pressure sensitive adhesive, the product is not functionally indifferent from the present invention because the absorbent powder is adhered to the pressure sensitive adhesive or embedded with the molten pressure sensitive adhesive.

C. The examiner takes the position that the polyacrylonitrile is a thermoplastic material and has a superabsorbent property. The fact that Karami is quiet about the PAN being a thermoplastic binder DOES NOT MEAN it is NOT a thermoplastic binder, because physical properties are inherent characteristics.

D. In col 2 L 6-7, Nishizawa clearly teaches that the filler has an average particle size of less than 30 μ m. The absorbent layer (2) is composed of filler and a liquid or wax like hydrocarbon polymer, which are molded together.

The examiner takes the position that molding the mixture involves shaping a fluid of plastic substances (see previous office action page 3, 4th ¶).

The hydrocarbon polymer must melt in order for it to become a fluid and before it is fused to the filler.

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The examiner takes the position that Nishizawa anticipates claims 22 and 23.

The examiner further takes the position that Smith, Korpman, and Karami meet the material and structural limitations of the present inventions.

Response to Arguments

3. Applicant's arguments filed on Nov. 19th 1998 have been fully considered but they are not persuasive. The art rejection as in paper no. 3 is maintained.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cathy Lam whose telephone number is (703) 308-2418.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones, can be reach on (703) 308-2376. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5436.

Cathy Lam

Cathy Lam

Patent examiner in Technical Center 1700

February 1, 1999